

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
FOURTH DIVISION**

ROBERT ALEXANDER,
a citizen of Nevada,

Plaintiff,

v.

CHARLES F. BOND, a citizen of
Minnesota, and COKeM
INTERNATIONAL, LTD.,
a Minnesota corporation.

Civil No. 04-1323 (PAM/RLE)

**DECLARATION OF DAVID
C. LAYDEN IN SUPPORT
OF MOTION FOR
PROTECTIVE ORDER**

I, David C. Layden, hereby declare as follows:


1. I am one of the attorneys for Plaintiff Robert Alexander in this matter.
2. By an amended deposition notice served on January 14, 2005, Defendants noticed the deposition of Mr. Alexander for March 22, 2005 in Minneapolis.
2. In mid-February 2005, I telephoned Jason Lien, one of Defendants' counsel, to advise him that Mr. Alexander had been diagnosed with cancer and prescribed a lengthy course of radiation treatment that might interfere with his ability to appear for a deposition in Minneapolis on March 22. Rather than attempting to reschedule the deposition at that time, I proposed, and Mr. Lien agreed, that we would confer as the date for the deposition grew closer so that we could more accurately assess Mr. Alexander's medical circumstances.
3. On Wednesday, March 9, 2005, after receiving an update from Mr. Alexander regarding his condition, his need for radiation treatment, and his inability to travel to Minnesota for a deposition on March 22, I telephoned Mr. Lien and advised him that Mr. Alexander would be undergoing radiation treatment in Las Vegas on March 22, and therefore would be unable to appear in Minneapolis for his deposition on that date. In a good faith effort to accommodate

Defendants' desire to proceed with Mr. Alexander's deposition and avoid the involvement of this Court in a discovery dispute, I offered to make Mr. Alexander available in Las Vegas (where he will still be undergoing radiation treatment) on April 13.

4. After conferring with his clients, Mr. Lien telephoned me later on March 9 and advised that Defendants had rejected my proposed accommodation, and would not agree to modify either the date or the location of the deposition noticed for March 22 in Minneapolis.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 15, 2005.



David C. Layden